

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ABRAR ELAHI SIDDQUI, et al.,  
Plaintiffs,  
v.  
CITY OF FREMONT, et al.,  
Defendants.

Case No. 16-cv-02012-JSC

**ORDER RE: ORDER TO SHOW CAUSE  
AND DEFENDANTS' MOTION TO  
DISMISS**

Re: Dkt. Nos. 10, 19

Plaintiffs Abrar Siddqui and Rahila Khan filed this civil action against Defendants the City of Fremont and Leonard Powell as the Community Preservation Manager for City of Fremont. (Dkt. No. 1.) Defendants responded to the Complaint by filing a Motion to Dismiss on June 30, 2016. (Dkt. No. 10.) After Plaintiffs failed to file a response to the motion within the time allotted under Local Rule 7-3, the Court issued an Order directing Plaintiffs to file their opposition or statement of non-opposition by July 21, 2016. (Dkt. No. 17.) Plaintiffs did not do so. The Court thus issued an Order to Show Cause as to why the action should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Plaintiffs responded to the Order to Show Cause by contending that counsel “never received notification that the responsive pleading had been filed” and was thus “unaware of the filing of the motion to dismiss.” (Dkt. No. 20 at 1:26-27; 2:4-5.)

This case—like all non-sealed civil actions in the Northern District of California—is part of the Court’s Electronic Filing (“ECF”) System. *See* Civ. L.R. 5-1(b). As a registered ECF user and member of the bar of this Court, Plaintiffs’ counsel is obligated to familiarize himself with the rules governing electronic filing and the local rules generally. Counsel is required to keep his account information current including the email address associated with the ECF filing account.

United States District Court  
Northern District of California

1     *See L.R. 5-1(c)(3).* For electronically filed cases such as this, notice of each filing is automatically  
2 generated by the ECF system and sent to the registered attorneys for all parties in the case—this  
3 notice constitutes service on the receiving party. *See Civ. L.R. 5-1(h)(1).* Counsel is charged with  
4 knowledge of these notices and with the contents of the docket generally.

5                 Here, Plaintiffs' counsel received notice of Defendants' Motion to Dismiss at the email  
6 address associated with his ECF account—the same email address he used to file his response to  
7 the underlying Order to Show Cause. He also received notice of the Court's Order resetting the  
8 briefing schedule on the motion when he failed to timely file an opposition or statement of non-  
9 opposition. Whether he was aware of these filings is a different question that the Court need not  
10 consider given that Plaintiffs' counsel is deemed to have received notice under Local Rule 5-  
11 1(h)(1). Nonetheless, because there is no prejudice to Defendants, the Court will reset the briefing  
12 schedule and provide Plaintiffs with an opportunity to respond to the pending motion.

13                 Accordingly, Plaintiffs shall file their opposition to the motion to dismiss by August 11,  
14 2016. Defendants' reply is due August 18, 2016 and the hearing is reset for September 8, 2016 at  
15 9:00 a.m. in Courtroom F, 450 Golden Gate Ave., San Francisco, California.

16  
17                 **IT IS SO ORDERED.**

18                 Dated: August 3, 2016

19  
20  
21                   
JACQUELINE SCOTT CORLEY  
United States Magistrate Judge

22  
23  
24  
25  
26  
27  
28